Protest at the Center of American Politics

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Abstract

Recognizing the increasing ubiquity of protest in the United States, this article considers why protest has become so central to American politics. It argues that three factors contribute substantially to this situation: institutional illegitimacy, political polarization, and decentralization of communications media. Institutional illegitimacy means that Americans are less likely to trust the prevailing system of government, such as selecting the president through the Electoral College, making them more likely to believe that protest is necessary to have their voices heard. Political polarization coincides with having elected officials on the extremes of the political spectrum, rather than toward the moderate center. Citizens are thus more likely to be dissatisfied with elected officials and to turn out to protest them. Decentralization of communications media, especially social media (e.g., Twitter, Facebook, Instagram), allows activists to communicate with one another more readily and, therefore, to organize protests quickly and with few financial resources. These conditions are unlikely to change in the near future outside of a major partisan realignment. Recent protests organized by Black Lives Matter and related groups, in response to the deaths of George Floyd and many other African Americans, illustrate the contemporary nature of activism, social movements, and protest in the United States.

Introduction

The murder of George Floyd by Minneapolis police officers on 25 May 2020 was a pivotal event that unleashed a perfect storm of politics and protest. Prior to Floyd's death, the economy and society

of the United States had been at a virtual standstill for months as a result of the Covid-19 pandemic. Many Americans had been unemployed or confined to their homes due to the outbreak. The Democratic Party had just settled on Joe Biden as its presidential nominee. That selection set the stage for the 2020 general election after nearly four years of highly divisive leadership on the part of President Donald Trump. The Black Lives Matter (BLM) movement, which opposes police brutality and other violence against Black people, had experienced somewhat less media visibility following its peak in 2016.[1] In this context, the circulation of videos depicting the unjustified killing of Floyd, an African-American man, reinvigorated cries of injustice over the deaths of so many African Americans, such as Tanisha Anderson, Rekia Boyd, Michael Brown, Philando Castile, Eric Garner, India Kager, and Trayvon Martin.

The extensiveness of BLM protests in the spring and summer of 2020 – which spanned urban, suburban, and rural areas throughout the country – is hard to appreciate fully. Writers for the *Washington Post* and the *New York Times* dubbed these as perhaps the broadest protests in American history.[2] Surveys of protest participants measured unprecedented levels of racial diversity at these events.[3] Mass media covered the demonstrations with greater intensity than any other protests since the Kent State killings in 1970, just over 50 years ago.[4] For a month or more, these protests were consistently front-page news.

It is possible to enumerate a long list of potential causes behind the sustained force of the post-Floyd protests. We might start with the sheer barbarity of Floyd's murder and the clarity with which it was captured on video. We might point to the fact that people were more available to protest due to the Covid-19 crisis.[5] We might observe that President Trump seems to have encouraged and prolonged the protests in the belief that they would bolster his law-and-order candidacy.[6] But these explanations are all too specific to the case at hand. What we ultimately need are explanations for why protests have become such a fundamental part of the way that Americans seek to communicate their views to government these days.

While demonstrations calling for justice in the death of George Floyd are likely the most riveting protests that have emerged in some time, they are certainly not the only contentious mobilizations during the Trump Administration, or even during 2020. It was not long before Floyd's death that attention had been focused on anti- and pro-quarantine protests, undertaken by conservatives and liberals alike, despite the risks they may have posed to public health.[7] Earlier in his presidency, Trump's inauguration itself helped to launch oppositional social movements of women, scientists, and others.[8] In fact, Trump's own political viability had been nurtured by protest through the Tea Party movement.[9] Before Trump and the Tea Party, there were vibrant movements for peace, immigrant rights, and global justice.[10] There is clearly something going on here beyond George Floyd, Donald Trump, or Covid-19. Why is protest so important to our politics?

I argue that there are three factors that are making protest an increasingly critical political tool. The first is institutional illegitimacy. Americans are progressively more skeptical that political institutions operate in an acceptable way. The second is polarization. With elected officials more likely to be on the edges of the political spectrum – rather than toward the center – citizens are more likely to find themselves disagreeing passionately with the government, making the desire to protest more compelling. The third is decentralization of communications media. Protest is easier to do, so why not? This essay discusses each of these factors and what may or may not be done to reverse these trends. It takes the position that true reform would be very challenging to put into effect outside of a historic realignment of partisan politics.

Institutional Illegitimacy

Elections are a key part of how people think about democracy in America. It is not uncommon for people to equate voting with "doing one's civic duty." Yet, even under the best of circumstances, elections rarely deliver what they promise in terms of representation. Christopher Achen and Larry

Bartels explain in *Democracy for Realists* that electoral outcomes are more likely to reflect people's understandings of their own social identities than their analysis of policies or government performance.[11] In general, most citizens lack the interest, information, or capacity to make decisions on any other basis.

Even if elections are imperfect, most people might be willing to go along with them if they seem to be generally fair. However, perceived lack of fairness has been a notable concern in recent years, with the Electoral College often cited as a key part of the problem.[12] In this scheme, rural areas are overrepresented relative to urban areas. Of course, there is another side to this argument, as the Electoral College serves important functions. It ensures that each state contributes substantively to the selection of the president and that support for the winning candidate is distributed widely across the country.

Presidential selection rules make it possible for a candidate to win a majority in the Electoral College without winning a majority of the popular vote. For people who hold closely to majority-rule views of democracy, this system seems unfair. Nevertheless, if this discrepancy is mostly hypothetical – that is, it happens rarely at best – the system might be acceptable. However, as the winner of the popular vote failed to win the majority in the Electoral College twice in the last 20 years – and since the system benefitted the Republican candidate in both cases – some people are inclined to argue that the rules are systematically unjust.[13] They may feel that their votes are not being given the weight that they deserve, casting doubt on the legitimacy of the whole electoral system. As a result, protest may appear, to many, to be the only way to really be heard. Some activists on the far Left believe that this system codifies fascism, thus morally requiring them to resist it, violently if necessary.[14]

Citizens living in rural areas – the "beneficiaries" of Electoral College bias – also raise objections to the contemporary political system. They witness the trajectory of growth for the nation leaning toward the urban and coastal areas, with industries evolving toward high tech and away from the

manufacturing and agricultural bases that have traditionally sustained the economy. As Kathy Cramer emphasized in *The Politics of Resentment*, these citizens do not believe that laws such as the Affordable Care Act are really written to benefit them.[15] The frustrations of these people helped to motivate the formation of the Tea Party movement, which spawned widespread conservative protests during the early years of the presidency of Barack Obama.[16]

People have many other complaints about the ways that American politics work, for sure. They raise objections to the ways that voting districts are drawn, the influence of monied interests in the system, eligibility to register to vote, and myriad other institutional features. Lack of confidence in institutions extends from the national level to local government, where citizens are losing faith in the equitable administration of justice by police departments.[17] Waning faith in institutions is characteristic of the era we live in.

Politicians on both sides of the political spectrum respond to and attempt to amplify these complaints in order to win votes. This competition further undermines trust in the system and raises the expected value of protest. For example, large percentages of both Democratic and Republican voters now say that they would not accept the outcome of the 2020 presidential election if their preferred candidate lost because of mail-in ballots.[18] Thus, it seems likely that large numbers of people will protest the results of the 2020 election, no matter what the outcome. These expectations raise the specter of a diminished American democracy after 2021.

Political Polarization

In developing his theory of partisan convergence, political scientist Anthony Downs explained how a system of voting by majority rule would lead competing political parties to develop policy platforms that were very similar to one another.[19] This theory made intuitive sense when it was developed during the 1950s. During that era, struggles over questions of race and segregation helped to

create more differences *within* political parties than *between* them. At that time, the stable equilibrium of American politics pushed the major parties to the ideological center.

The rise of party primaries during the 1960s and 1970s to nominate candidates for general elections led to significant departures from the predictions of Downs' theory. Outside groups could then use primaries – which attracted only a fraction of the eligible voters – to prod candidates toward the edges of the political spectrum. Doug McAdam and Karina Kloos observed that social movements helped to exacerbate these trends in their efforts to address social problems, such as systemic racism.[20] This dynamic fed a cycle in which left-leaning protest encouraged right-leaning protest, which then motivated more left-leaning protest, etc.

Robert Boatright found that these trends owed not only to social movements, but also to dedicated partisan organizations that sought to shape the ideological dispositions of their allied parties.[21] Strategies to push candidates to the extremes have typically been associated with conservative organizations, such as the Club for Growth and the Tea Party.[22] Yet Democrats are increasingly embracing these tactics as well, with recent Democratic primary successes by outsider candidates such as Alexandria Ocasio-Cortez, in New York's 14th congressional district in 2018, and Cori Bush, in Missouri's 1st congressional district in 2020. The victories of these candidates will likely pull the Democratic Party further to the ideological left, just as the success of Tea Party candidates has pulled the Republican Party further to the ideological right.[23]

As both political parties are more likely to nominate candidates who are ideologically extreme – rather than centrists – the chances that elected officials are relative extremists have risen dramatically. Polarization is the result. In other words, when an election is over, one side or the other is probably very unsatisfied. As a result, the losers often adopt divisive rhetoric, such as declaring that an elected official is "not my governor" or "not my president." In this environment, partisans are ready to protest the new office holder before they are even sworn in. Use of social media, such as Facebook or Twitter, jolts the

cascade even more by encouraging people to develop negative attitudes toward those who disagree with them.[24]

Polarization creates self-reinforcing pressures that are very difficult for parties to avoid. As Cass Sunstein points out in *#republic*, when people deliberate, they tend to choose options at the extremes, rather than compromise options.[25] That is, even when someone comes through and offers a reasonable moderate alternative, that choice is less likely to win over a group than is a more radical choice. As a result, some polarization feeds more polarization.

The debate over reforming policing is illustrative of this tendency toward polarization. When Black Americans are unjustifiably murdered by police officers, the loudest activists quickly divide into camps, with one side chanting slogans such as "abolish the police" and the other insisting that "Blue [i.e., police] Lives Matter".[26] These divisions make it challenging to advance consensus reforms, such as improved training for police officers.

Ironically, the majority of activists themselves often favor middle-ground positions. In a Russell Sage Foundation-funded study on which I collaborated with Dana Fisher and Stella Rouse, we found that participants in the 2020 March on Washington, organized by Rev. Al Sharpton, placed a higher priority on "improv[ing] police training to increase racial sensitivity" than they did on "abolish[ing]" or "defund[ing]" the police.[27] Even with these objectives on activists' minds, media attention and public discourse focus instead on divisive proposals.[28] Along these lines, Figure 1 shows an activist carrying a "defund the police" sign in Milwaukee, Wisconsin on August 10, 2020.

Figure 1. Protest Against the 2020 Democratic National Convention

Source: Photo by Saudiel Benitez, Jr.

Decentralization of Communications Media

In his classic book, *The Whole World is Watching*, Todd Gitlin described with fascinating detail the process through which large protests were planned by Students for Democratic Society during the 1960s.[29] Demonstrations were scheduled months in advance, usually with a focus on one event in the fall and one event in the spring. Organizations communicated with their members through postal mail. They depended heavily on member dues to finance their work. The slow-moving planning machinery placed limits to how responsive activists could be to changing events. Nonetheless, the long planning process meant that the strategy behind each event was considered methodically as part of an elaborate agenda to remake society.

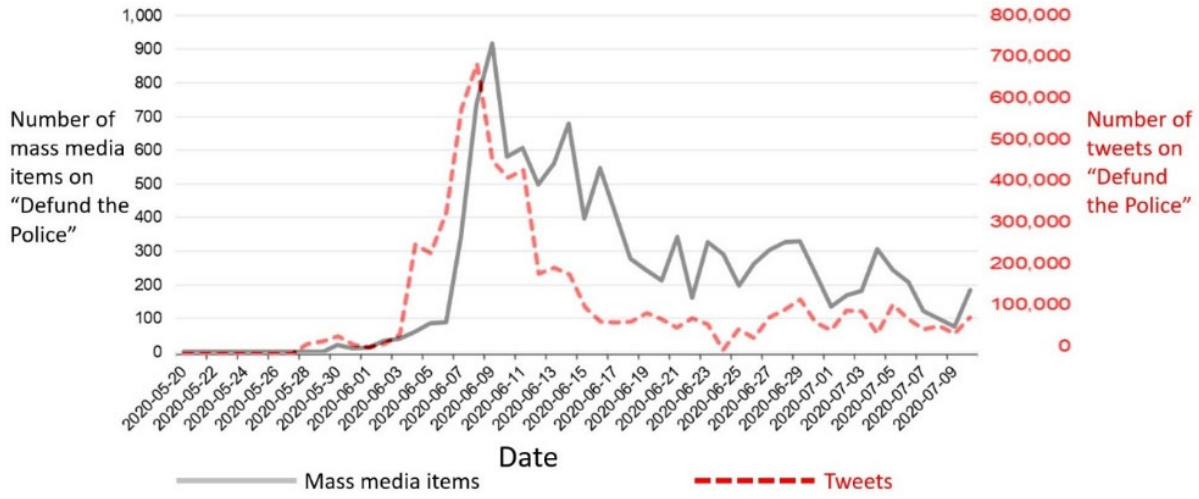
Zeynep Tufekci's contemporary book, *Twitter and Tear Gas*, presents a considerably different image of today's protest planning. Online technologies – such as Twitter, Facebook, and Instagram – make it possible for activists to register their grievances within hours or days of events taking place.[30] Familiar tactics can be deployed in short order. These tools make it possible for activists to respond seamlessly to political developments, which is an advantage of this rapidity. However, activists who plan protests quickly and reflexively often do so without a well-developed strategy for influence. Protesters in this system know what they do not like but often lack the organization and follow-up to force the changes they want.

The justice for George Floyd protests leveraged evolving communication technologies for maximum possible responsiveness. For example, the #JusticeForGeorgeFloyd hashtag was trending on Twitter the day after Floyd's death.[31] This development demonstrates that activists quickly recognized the broader political significance of what happened to Floyd and framed his death in the context of the BLM movement. Such hashtags become memes that encapsulate information that diffuses widely and rapidly.[32] Within a week, protests on this issue had begun to spread throughout the country and the world.

Beyond allowing timely responses, rapid communication technologies help protesters to evade infiltration and control by the authorities. During the peak of the Floyd mobilizations, I observed that protest leaders sometimes announced protests via Instagram less than 24 hours before demonstrations were to take place. The short notice was sufficient for committed activists but was intended to make it harder for police to try to shut down or corral the protests. The result was that some protests were smaller in terms of number of participants than they might have been, since it was hard for many activists to plan to be there, but the mobilizations were more agile than well-planned events might have been.

Rapid responses on social media not only have the capacity to coax marchers into the streets, but also have the potential to change substantive policy discussions. For example, I followed the discussion of "defund the police" in the aftermath of Floyd's murder on Twitter[33] and the in mass media.[34] Figure 2 below shows how a Twitter discussion may lead mass media coverage. While tweets occur with a much greater frequency than news items – approximately 100,000 times more often – the time trends in this graph suggest that media discussion of this topic (the solid line) may have been prompted, in part, by online conversations (the dashed line).

Figure 2. Mass media versus social media attention to "Defund the Police"



Source: Author tabulations using Meltwater[35] and NewsBank.[36]

Protest is so easy to organize these days that anyone can do it, even without substantial resources or a formal organization supporting them.[37] The formal machinery once used by Students for a Democratic Society and other groups is no longer needed. With barriers to entry so low and the possible impact so high, it is not surprising that people are ready to protest now for just about anything. Some protests may gather only a handful of people who carry signs and chant slogans, but some protests may bring out thousands of people with only a day's notice. If their cause is compelling – as it is in the case of George Floyd's death – then the possibility for widespread support is easily within reach.

Beyond Protest?

American politics today faces sustained challenges to the legitimacy of institutions, spiraling political polarization, and ever more decentralized communications media. These conditions are ripe for protest. If Americans see a problem, staging a protest is usually a go-to political response. More traditional options – such as voting, running for office, or contacting elected officials – seem, to many people, to be too slow, too corrupt, or too unlikely to work.

George Floyd's murder was situated within these conditions. When combined with the special circumstances of Covid-19, idleness and unemployment, and Trump's antagonism, it released a cascade of mobilization around the United States and the world. From one perspective, the robust use of protest is a sign of a healthy democracy. It reflects a vibrant civil society, shows that freedom of expression cannot be suppressed by pseudo-authoritarian leaders, and reveals people embracing their powers as citizens.

At the same time, something important is broken here. I cannot predict who will be the next President of the United States with any confidence. Yet I *can* predict that whoever is elected will face intense and sustained protests in opposition to their administration. Maybe those protests will be good and necessary. Maybe I will even personally join in the protests. But it is also a worthy aspiration that elections would help to *settle* our political disagreements, rather than *provoke more* disagreements.

Unfortunately, there is no easy solution to these problems. Attempts to systematically quash protest have proliferated around the states in recent years, according to the International Center for Not-for-Profit Law.[38] These efforts are likely to lose challenges in the courts, though in the process, they will bring much hardship to the lives of people who face punishments for exercising their constitutional rights. The chilling consequences of prosecuting peaceful protesters are undeniable. As a society, we are prudent to heed the advice of James Madison that the damage done by attempting to suppress factions is worse that mischiefs of factions themselves.[39]

Amending the Constitution to revise the Electoral College system is not a viable option, as the likelihood of passing all the necessary hurdles seems exceedingly remote. And even if the Electoral College could be replaced, the new system would likely lead to legitimacy problems as well. For example, people living in less-populated areas could become increasingly aggrieved with the constitutional order because they had less of a say in it.

Rather than amending the Constitution, a more realistic option may be for existing political actors to find better ways to pursue their goals within the existing constitutional framework. One might argue, for example, that the current "crisis" of Electoral College illegitimacy is really a matter of the contemporary Democratic Party having a harder time creating a program that is appealing to people in suburban and rural areas. Do the Democrats simply need to change their platform and campaign strategy? Perhaps they could rebalance the urban-rural pattern of support by offering more in terms of transportation infrastructure, federal aid to infuse high-technology training and capital where old-style manufacturing has lost to global competition, and greater recognition of traditional rural cultures. Doing so could bring more rural votes into the Democratic column. Indeed, it was less than 30 years ago that Bill Clinton's winning presidential coalition included nearly the entire Mississippi River Valley. Still, such a change would be easier said than done, as Democrats face challenges from polarization within their primaries.

It is tempting to point to President Trump, who has been a uniquely bad actor in attempting to undermine trust in American political institutions.[40] If not target Trump, then perhaps we should blame the Republican Party that has aided and abetted him.[41] For example, it is within the power of the party to require that its presidential nominee make their tax returns public, comply with campaign finance laws, and obey the Hatch Act, which prevents federal employees from conducting partisan activities on federal property. However, it wise to be mindful of the fact that Trump and the contemporary Republican Party are *products* of a system. Yes, they have *contributed* to shaping that system, but even

the top-level Republican leadership is subject to pressures from grassroots activists, donors, corporate media, and many other directions. Consequently, it is hard to see how changing top leadership or adopting new ethical reforms – on their own – would bring about lasting effects.

Readers of this essay may be frustrated by the paucity of concrete and powerful solutions offered here. I wish that I could report that there are piercing solutions to America's political problems developing on the horizon. A key barrier to this aspiration is that many of the features of the current system are in a stable equilibrium, meaning that departures from the current practices of the system are met by pressures to return to the way things were. For example, if both the Democratic Party and the Republican Party campaigned on more moderate platforms in the 2024 presidential election, extremists within one or both of the parties would surely push for a return to a more extreme posture in 2028. The losing side in the 2024 election would likely be able to make the most compelling case for doing so. Thus, even major efforts at moderation would likely be short lived.

Another barrier to reform is that that the current problems with American politics are rooted less in particular laws or institutions than they are in the extant political culture. Thus, responsibility for our problems is diffused throughout the society; we all share it. People lack empathy for those on the other side. Conservatives cannot understand why liberals want to bring down memorials to slaveholders. Liberals cannot understand why conservatives are disturbed when statues are toppled by the force of angry mobs. Both sides are talking past one another.

Perhaps the greatest chance for moderation and reform would present itself if the country faced a crisis so grave that people abandoned one political party *en masse* and shifted to another party. A shift of this magnitude began in 1932 when many voters left the Republican Party during the Great Depression.[42] This shift continued during the 1930s and was reinforced by World War II, which required national unity to combat external threats. This realignment gave the newly dominant Democratic Party enough power to restructure institutions that could restore trust in government, which had not been as

readily achieved twenty years earlier when an ambitious agenda of reform was pushed during the Progressive Era.

The Covid-19 pandemic has the potential to be the crisis that creates a shift in partisan control comparable to the aftermath of the Great Depression. If this occurred, it is possible that the country would enjoy a new era of stable governance, thus reducing the need for perpetual protest. A first test of whether increased trust is on the horizon would be if the leadership and grassroots activists of both the Democrats and Republicans were able to accept the outcome of the 2020 presidential election without a prolonged fight. This outcome would be a minimum requirement for Americans to begin regaining trust in their government and the constitutional order. Even under the best of circumstances, the nation faces a long road to recovery after what has been more than two decades of an increasingly dysfunctional democratic system.

If a partisan realignment is not in the making, then we are stuck – for now at least – with protest at the center of American politics.

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